

### **REMARKS**

Claims 1-13 are pending.

Claims 1-13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for various reasons.

In claim 1 the rejection regarding lack of antecedent basis for the term "the external surface" should be overcome by amendment to "an external surface". Also as to claim 1, the term "(A 1)" has been deleted. Similar changes have been made to claims 2-4, 2-10 and 13.

The Examiner questions in claim 1, line 9, whether applicant means for the density unit to be "g/ml" instead of "ml/g". The unit for bulk density typically is ml/g. But the property that is meant to be indicated with this unit in claim 1 is the reciprocal of bulk density.

It is well known in the art that the bulk density is expressed by the unit g/ml. It is believed to be obvious to the person skilled in the art that the value expressed in the unit ml/g is the reciprocal of bulk density. Claim 1 also has been amended to recite "a reciprocal of bulk density of not less than 3.0 ml/g" to solve the clarity problem.

It is submitted that the §112 rejections have been overcome.

Claims 1, 3 and 5-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miki, et al., U.S. 5,508,050 in view of Caton, U.S. 4,810,309, Meister, U.S. 6,217,913, the article *Making the Most of Maltodextrin* by Kunts, and applicant's admission of prior art.

Claims 1 and 7 are the main independent claims of the application. It is first noted that five references had to be stitched together in the rejection based on obviousness. As shown below, even if the patchwork is constructed, the result does not render the claims obvious.

Miki discloses a method for preparing a spring roll by applying a food material over a dough sheet, placing the ingredient material on the dough sheet, and rolling up the dough sheet into a spring roll. The food material includes polysaccharides and grain powders, which is applied to not less than 40% of the surface area of a dough sheet. In light of the description of the prior art, a person skilled in the art would understand that the invention of Miki aims to prevent moisture

migration from the ingredient material to the dough sheet for maintaining the crispy mouth feel touch of the dough sheet immediately after frying. In order to achieve this goal, it is clearly necessary to apply the food material at least on the side of the dough sheet on which the ingredient material is placed. That is, in Miki, the food material is placed on the inside of the dough sheet. This is opposite to the present invention where the inhibitor is placed on the outside of the dough sheet.

Kunts teaches that maltodextrins, which are hydrolyzed starch products, are useful as secondary film-formers when used in combination with starches and gums. They are used as coatings on pizza crusts, where they act as a moisture barrier between the crust and the sauce to resist moisture migration. Again, this is opposite to the invention.

Caton discloses a method of making a maltodextrin product having increased bulk density of at least about 0.5 g/cc. Converting this value into the unit used in the present claims, the reciprocal of bulk density of the maltodextrin product is not higher (more) than 2 ml/g. Thus, it is clear that Caron teaches opposite to the present invention where the inhibitor is not less than 2 ml/g..

Meister discloses a thickened hot beverage drink mix containing maltodextrin, which is a starch hydrolysate. Meister teaches that use of maltodextrin in the drink mix allows quick hydration and thickening without lumping or clumping. There is no suggestion in this reference that maltodextrin may be used for inhibiting deterioration of crispness in a dumpling that is to be fired.

Applicant's prior art discloses the process of making high density starch hydrolysate ids known, as shown in JP 60-12399-B. This Japanese reference teaches the high density starch hydrolysate per se, but the disclosed use of the starch hydrolysate is in powdering oils and fats. There is no suggestion that the starch hydrolysate may be used for inhibiting deterioration of crispness by using it as a coating on the external surface of a product to be fired.

The Examiner's position is that it would have been obvious to one skilled in the art to use starch hydrolysate products such as maltodextrin disclosed in the article by Kunts to enhance the

objective of Miki because maltodextrin functions as a moisture barrier to prevent moisture migration.

However, unlike the prior art, the crispness deterioration inhibitor used in the present invention is not intended for preventing moisture migration from the filling to the dough sheet. Instead, it is used for forming a crispy film on the external surface of the dough sheet when the dumpling is fried. This is totally different from the object of Miki and leads to the difference in the position of application of the inhibitor. That is, Miki would apply the inhibitor to the inner surface of the dough sheet, the opposite of the invention. Thus, even if the teaching of Kunts is applied to Miki, the present invention cannot be achieved.

In the present invention, it is essential to provide the crispness deterioration inhibitor on the external surface of the dough sheet, i.e., on the side of the dough sheet that is not in contact with the filling. Compared to this feature, it is clear that Miki does not even suggest the present invention since it is understood from Miki to be essential to provide the food material on the inner surface of the dough sheet, i.e., on the side of the dough sheet that is in contact with the filling.

Caton, Meister and applicant's admission of prior art merely show that maltodextrins are available or can be made to have different densities and the density gives different property to the products. Moreover, Caton teaches away from the present invention, as discussed above, and Meister and applicant's admission of prior art do not even suggest that the bulk density of maltodextrins affects their ability to inhibit crispness deterioration.

Therefore, the combination of the references, even if improperly made, do not teach the subject matter of claim 1. Accordingly, claims 1, 3, 5-13 are not obvious over Miki in view of Caton, Mister, Kunts and applicant's admission of prior art, and the claims are patentable.

Claims 2 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miki in view of Caton, Meister, Kunts and applicant's admission of prior art, and further in view of Haverkos, et al., U.S. 6,265,005.

Haverkos teaches that a coating composition containing dextrin promotes desirable crispness, but is silent about the claimed reciprocal of bulk density of dextrin. Claims 2 and 4

depend directly or indirectly from claim 1, which is not obvious over the above-mentioned references. The addition of Haverkos to the other references does not cure the basic deficiency of the failure of the cited art to meet the subject matter of claim 1. Accordingly, claims 2 and 4 are also patentable.

It is submitted that all of the claims are allowable.

Prompt and favorable action is requested.

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Respectfully submitted,

By 

S. Peter Ludwig

Registration No.: 25,351

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant